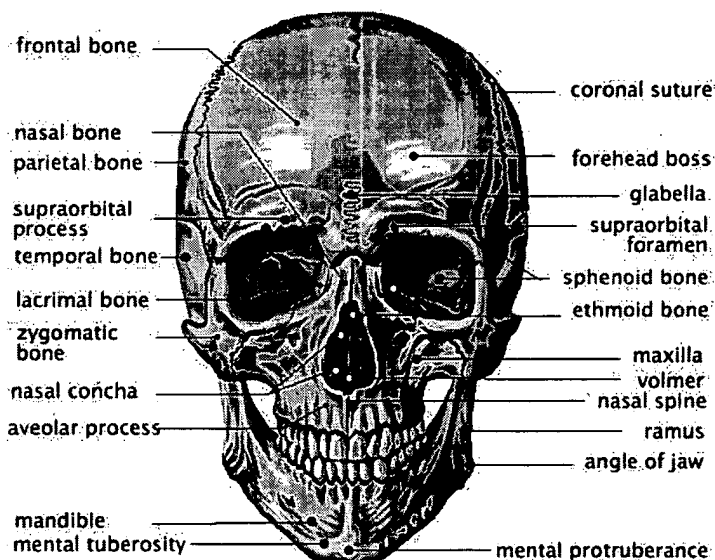


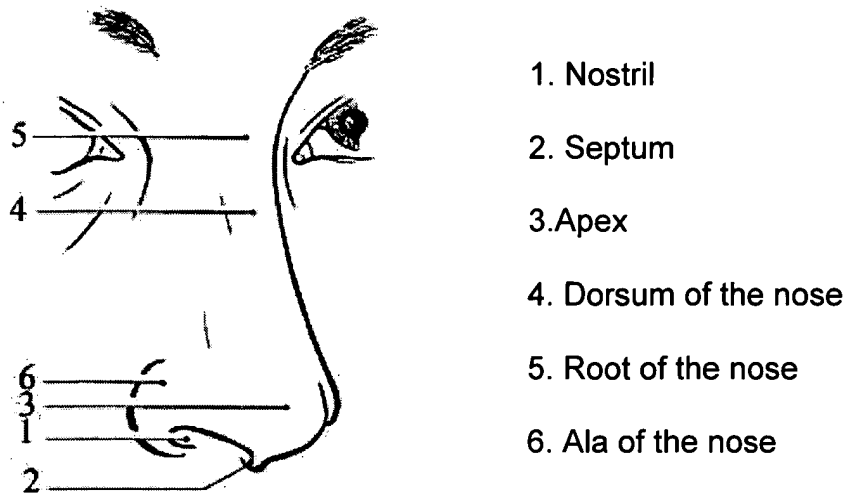
REMARKS

Claim 3 and the title of the specification were corrected as requested. Applicant sincerely appreciates the care taken by the Examiner in finding these typographical errors.

Under 35 USC §102(b) the Examiner rejected: (a) claims 1-4, 6, 7, 9, 10, 16, and 17 citing US Patent 1,812,425 (Wosse); and (b) claims 1, 5, and 16 citing US Patent 3,718,145 (Chateau). Under 35 USC §103(a) claim 18 was rejected based on Chateau, and claims 11-14 were rejected based on Wosse and US Patent 5,957,142 (Karafilis).

It will be helpful to establish the relevant anatomical terminology before reviewing the official action. According to Gray's Anatomy: "The Eyebrows (supercilia) are two arched eminences of integument, which surmount the upper circumference of the orbits, and support numerous short, thick hairs, directed obliquely on the surface." The eyebrows are located at the supraorbital process which is superior to the nasal bone.





<http://www.sci.port.ac.uk/rad/anatomy/07/003.htm>

The very top, or root, of the nose is shown in the above diagram at about the center of the eye.¹ This is roughly consistent with the comments of Joseph L Leach, MD, who states: "The root, or radix, of the nose is located where the nasal bones project from the frontal bone. In whites, this nasofrontal angle usually lies at the level of the superior tarsal crease ... with the eyes looking forward."² For a discussion of the creases associated with the tarsus, see US Patent 5,843,147.

See also the definition of Hasion: "The valley or recessed area seen on profile that is just below the eyebrows and is considered to be where the nose 'starts'".³

¹ root of nose: the upper portion of the nose, which is attached to the frontal bone. Dorland's Illustrated Medical Dictionary

² <http://www.emedicine.com/ent/byname/rhinoplasty-short-nose.htm>

³ <http://www.noses.co.nz/Glossary%20of%20Terms>

Thus, the top of the nose lies at about the same elevation as the eyes or the fold in the upper eyelids. This fold lies at about the same elevation as the upper eyelashes.

CHATEAU

Figure 10 shows a stencil placed on the brow. The stencil never reaches the nose and Figure 10 shows the portion of the stencil between the eyebrows remaining higher than the eyelashes. In fact, the center of the stencil located above the nose is notched to ensure that no portion of the stencil ever touches the nose.

It should be noted that the stencil is notched simply to provide a visual mark for aligning the stencil. See column 2, line 64 through column 3, line 2.

WOSSE

The stencil of Figure 9 has a bridge 11 located above the slots 12 that are used to guide the eyebrow pencil. Bridge 11 is flexible and is designed to adjust the horizontal spacing between the eyebrow slots 12. Being located above the eyebrows, bridge 11 can never reach the nose.

KARAFILIS

Figure 7 shows shield 30 being placed behind the eyelashes to keep mascara off the eyelids. This device does not guide the mascara brush.

While shield 30 can be replaced, the shield is replaced with an identical shield. See column 5, lines 48-54. The reference has no disclosure of replacing the shield with a different shield having a different shape or purpose.

PRESENT DISCLOSURE

Figure 1 shows laterally projecting guides 14 placed over the eyebrows. The stems 12 and saddle 10 project downwardly between the eyes so the saddle 10 can be held on the nose to support and position the guides 14.

A complement of different guides are shown in Figures 7A and 7D. The user can select the desired one of the guides and insert their stems into the saddle as shown in Figure 6. Accordingly, the user can replace any of the guides to change the eyebrow style.

CLAIM ANALYSIS

As noted above, the stencils shown in Wosse and Chateau can never reach the nose, and thus cannot fall within the scope of original claim 1.

On the other hand, for a device claim, applicant wishes to emphasize the physical arrangement itself with less dependence on the variable geometry of the human face. Accordingly, claim 1 was amended consistent with, for example, Figure 1, which shows certain relative orientations and which shows the saddle 10 against the nose. Specifically, amended claim 1 now recites:

a saddle that is shaped to be placed against the person's nose; ... said guides branching laterally and said saddle branching downwardly and transversely to said guides.

In contrast, the central portions of the templates of Wosse and Chateau do not project downwardly and transversely.

Also, Karafilis is irrelevant to claim 1 and was cited only with regard to the concept of removable stems.

Since claim 16 is a method claim, reference to placement on the facial anatomy seems more appropriate. Accordingly, claim 16 was amended to recite:

placing the saddle against the person's nose to branch upwardly between the eyes and place the templates above the eyes in order to outline the person's eyebrows

Neither Wosse nor Chateau show any method where structure is oriented to branch between the eyes. In fact the structure of Wosse and Chateau remains above the eyes.

As before, Karafilis is irrelevant to claim 1 and was cited only with regard to the concept of removable stems.

The one other independent claim, claim 19, was found to be allowable.

CONCLUSION

For the reasons given above, all independent claims ought to be allowed. The remaining claims depend from these independent claims and distinguish over the cited art for at least the reasons given in connection with those independent claims.

It is believed that the foregoing fully responds to the objections and rejections entered by the Examiner and places this application in condition for allowance, which action is respectfully requested.

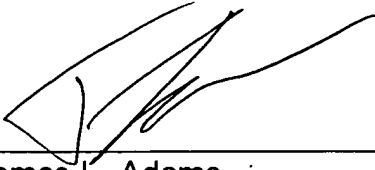
Respectfully submitted,
Deborah Shelley

A handwritten signature in black ink, appearing to read 'Thomas L. Adams', is written over the printed name.

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